IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

RP.No. 550 of 2007(V)

AGAINST THE JUDGEMENT IN WPC.22237/2006 Dated 05/10/2006
.....

REVIEW PETITIONER/PETITIONER:

T.DEVARAJAN, S/O.T.CHANDUKUTTY,
DEVARAGAM, THIRUTHIYAD P.O. PUTHIYARA,
KOZHIKODE - 4.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENT/ RESPONDENT:

KOZHIKODE CORPORATION, REPRESENTED BY
ITS SECRETARY, KOZHIKODE.

BY ADV. SRI.C.M.SURESH BABU

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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R.P.No.550 of 2007 in
W.P.(C)No.22237 of 2006

- -

Dated: 26th June, 2007

ORDER

It was following the judgment of the Division Bench of this court in **Padmini v. State of Kerala** (1999(3) KLT 465) after noticing that the conceded position that till date no notification under Section 4(1) of the Land Acquisition Act had been promulgated for acquiring the petitioner's property, that I quashed Ext.P4. But in the last sentence of my judgment I had observed that in view of the Corporation's stand that there was a proposal to acquire the property, the construction of the building on the strength of the building permit to be issued to the petitioner will be at the risk of the petitioner. What I intended was only that if the petitioner constructs a building on the basis of the permit to be issued to him pursuant to my judgment, the petitioner stands the risk of loosing that newly constructed building if acquisition is takes place. I never intended to say that the petitioner will not be entitled for any compensation under the Land Acquisition Act. Subject to the above clarification, the R.P. is disposed of.

srd **PIUS C.KURIAKOSE, JUDGE**